



Docket No.: 1293.1961

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Sang-chul SHIN

Serial No. 10/649,779

Group Art Unit: 2651

Confirmation No. 5852

Filed: August 28, 2003

Examiner: HABERMEHL, JAMES LEE

For: METHOD AND APPARATUS FOR CONTROLLING DISC DRIVE USING COUNTER-ELECTROMOTIVE FORCE (As Amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed January 9, 2006.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. However, the Examiner has not recited the appropriate language for the appropriate claims as pending and allowed in the application.

By way of example, the Examiner's reasons with respect to claims 1 and 18 recite features that are in one of these claims, but not the other. For example, it is noted that claim 1 does not recite a computer readable storage.

Furthermore, reasons for allowance include descriptions and characteristics of selected items of prior art. It is submitted that such characterizations are not proper reasons for allowance as explained in M.P.E.P. §1302.14. In particular, a discussion of the prior art is specifically identified as Example (F) of M.P.E.P. §1302.14 of a statement which is not a suitable reason for allowance.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 4-10-06

By: 

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